

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JAMES CURRY, JR.**

**PLAINTIFF**

**v.**

**No. 4:20CV125-SA-RP**

**MDOC**

**DEFENDANT**

**ORDER *DENYING* PLAINTIFF'S MOTION [22]  
TO ALTER OR AMEND JUDGMENT, *DISMISSING AS MOOT*  
PLAINTIFF'S MOTION [27] FOR STATUS UPDATE**

This matter comes before the court on the plaintiff's motion for reconsideration of the court's May 12, 2021, final judgment dismissing the instant case for failure to state a claim upon which relief could be granted. The court interprets the motion, using the liberal standard for *pro se* litigants set forth in *Haines v. Kerner*, 404 U.S. 519 (1972), as a motion to amend judgment under Fed. R. Civ. P. 59(e), which must be filed within 28 days of entry of judgment. An order granting relief under Rule 59(e) is appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5<sup>th</sup> Cir. 2003).

Mr. Curry argues that he attempted to mail a complaint regarding prison conditions in the Lee County Adult Detention Center to the court, but the documents were misplaced. As he unequivocally stated at his *Spears* hearing that he intended to sue only the Mississippi Department of Corrections, papers regarding the Lee County Detention Center have no relevance to this case. The plaintiff has neither asserted nor proven any of the justifications to amend a judgment under Fed. R. Civ. P. 59(e). As such, the plaintiff's request to alter or amend judgment is **DENIED**. In light of this ruling, the plaintiff's motion [27] for a case status update

is **DISMISSED** as moot.

**SO ORDERED**, this, the 1st day of March, 2022.

/s/ Sharion Aycock  
U. S. DISTRICT JUDGE